



COUNTY OF KAUAI

# OFFICE OF THE COUNTY ATTORNEY

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## 2012 Budget Presentation

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## OFFICE OF THE COUNTY ATTORNEY

### Mission

The mission statement for the County Attorney's Office is "to diligently render competent legal services as an advisor and as an advocate, ethically and honorably, to the various municipal entities which comprise the County of Kaua'i."

### Goals & Objectives

The Office's goals as stated in the 2010 Annual Report is "to provide timely legal advice and legal representation to the Mayor, County Council and to all Departments, Commissions, Boards and Agencies.

The objectives of this Office are:

1. Assess all claims filed against the County, efficiently process those which this office determines to be valid, and vigorously defend against all others.
2. Produce and review all documents generated for the purpose of facilitating the delivery of governmental services by the County of Kaua'i to its citizens.
3. To provide such continuing legal education to the Mayor, the County Council, Departments, Commissions, Boards and Agencies and shall keep them current on changes in the law which affect the efficient and fair discharge of the duties of the County to its citizens.

### FY2011 Successes and Achievements

The operation of our department is going fairly well and in large part is attributed to our stable base of deputies who are becoming proficient in their respective areas. Although one of our long time staff member, Joy Goto, retired at the end of last year, the remaining staff members have made a smooth transition.

1. Another one of our successes is the noticeable decrease in special counsel contracts which are reflected in the following numbers:

<u>Fiscal Year</u>	<u>New Contracts</u>
2005-2006	11
2006-2007	7
2007-2008	14
2008-2009	11
2009-2010	1 (Bond Counsel)
2010-2011	1

2. The following reflect the number of cases handled by our office, ten (10) of which have been farmed out to Special Counsel:

	<u>Pending</u>	<u>New</u>	<u>Closed</u>	<u>Present</u>
<b><u>CASES FILED AGAINST COUNTY</u></b>				
U.S. Supreme Court	2	0	0	2
9th Circuit Court of Appeals	4	0	3	1
U.S. District Court	7	1	3	5
Hawaii Supreme Court	2	0	1	1
Intermediate Court of Appeals	1	1	1	1
Circuit Court, 1st - 3 <sup>rd</sup>	10	1	1	10
Circuit Court - 5 <sup>th</sup>	82	18	29	71
District Court	0	3	2	1
Land Court, State of Hawai'i	1	0	0	1
Admin. Hearings, State of Hawai'i	0	1	0	1
Hawaii Labor Relations Board	3	1	1	3
Tax Appeal Court	18	1	11	8
<b><u>CASES FILED BY COUNTY</u></b>				
Circuit Court - 5 <sup>th</sup>	9	1	3	7
District Court	26	15	22	19
<b><u>CLAIMS AGAINST COUNTY</u></b>	13	7	2	18
<b><u>CLAIMS FILED BY COUNTY</u></b>	6	1	2	5
<b><u>WORKERS' COMPENSATION</u></b>	5	4	1	8
<b><u>GRIEVANCES</u></b>	0	2	2	0
<b><u>HLRB</u></b>	3	1	1	3
<b><u>EEOC</u></b>	2	1	2	1
<b><u>DLIR, EMPLOYMENT SECURITY</u></b>	0	2	1	1
<b><u>MISCELLANEOUS</u></b>	5	0	0	5
Land Use Commission & Public Utilities Commission				

3. Our office is also successful in collecting outstanding debts owed to the County, and the numbers are as follows:

Sewer (FY 09/10 & 10/11)	\$ 186,289 (+)
Real Property Taxes (FY 08/09, 09/10, 10/11)	\$1,180,909
Housing – Shared Appreciation (FY 10/11)	<u>\$ 252,113</u>
TOTAL	\$1,619,311 (+)

## Challenges

1. Kaua'i County Charter (1969) – 42 years old  
Kaua'i County Code of 1987 – 24 years old
  - Not moved along with the times.
2. Enforcement of the Code – implementation of appropriate legally sound administrative rules to address enforcement issues (Hearings Officer, etc.).
3. Issues relevant to waste and wastewater to energy involve a myriad of legal issues.
4. Issues related to the Endangered Species Act balanced with the quality of life on the Island of Kaua'i (Environmental Assessment & Environmental Impact Statement).
5. Preserving and protecting our Hawaiian and Kauaian culture.
  - Sensitive to land utilization
  - Sensitive to all cultures

## Improvements

1. Drafting administrative rules governing the regulation of peddling and concession activities at all county parks. These rules address commercial activities as well as regulation of accessory activities associated therewith...including limitation to parking, loading and unloading of passengers, traversing parks, etc.
2. Finalizing administrative rules governing practice and procedure to enable enforcement of the code relative to our Planning and Public Works Departments.
3. Development of rules for the implementation and enforcement of our plastic bag ordinance.
  - Training
4. Promulgated new Policy Against Discrimination and Harassment
  - Training of all county employees by Marc Guyot
5. Personnel Deputy Marc Guyot took the initiative and earned his certification as a Senior Professional in Human Resources.

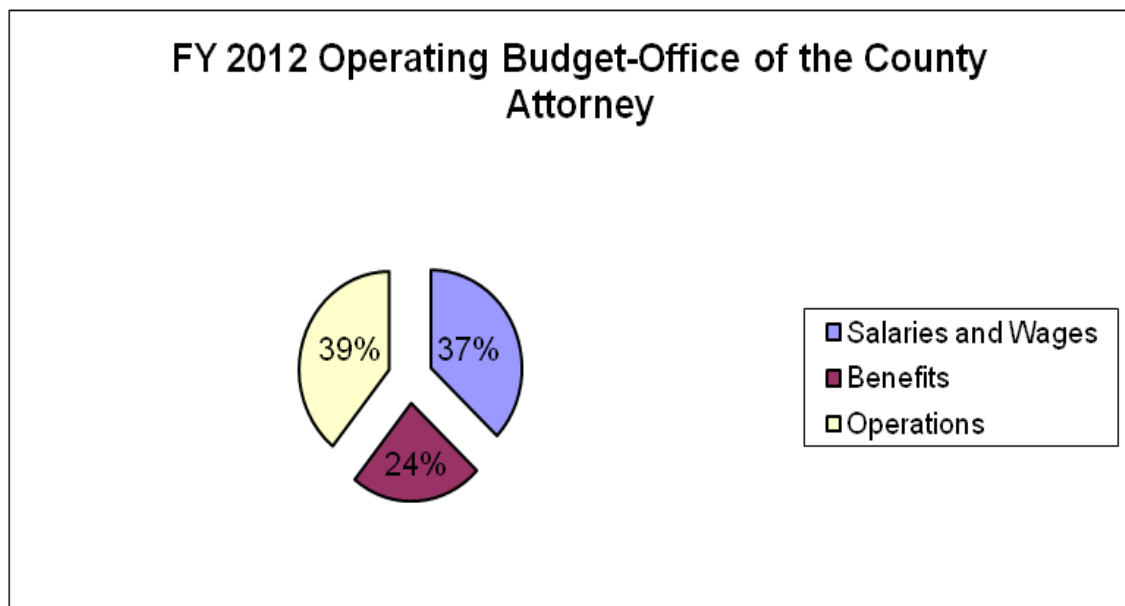
6. Chief Justice Mark Recktenwald recently appointed Deputy County Attorney Justin Kollar to the Hawai'i Supreme Court Board of Examiners.
  - Superior legal guidance given to Police Officers of the Kaua'i Police Department
  - Excellent legal training including criminal law as well as employment law
  - First in conducting training in the area of discrimination and harassment
7. Drastically reduced the amount of Special Counsel.

## Upcoming Initiatives

We plan to take the following initiatives:

1. Training on executive session with the County Council is being scheduled.
2. Our Planning Deputy Ian Jung will be coordinating with the Planning Director to train the Planning Commissioners on recent planning laws.
3. Adding more training sessions for our deputies and in turn have our deputies conduct additional training sessions for our clients.
4. Categorizing and updating the laserfiche files for easier search.
5. Organize our litigation documents to be more readily available to our litigation team.

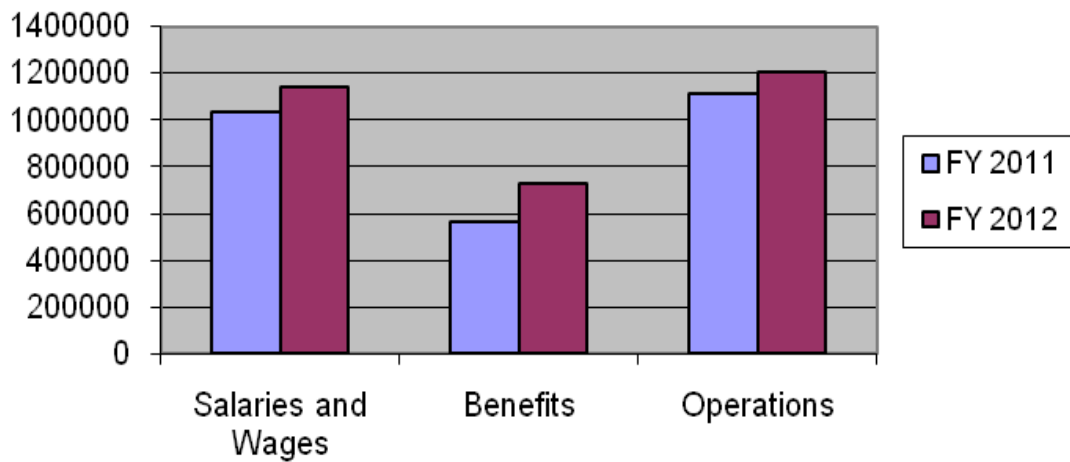
## Comparative Graphs



### FY 2011 Operating Budget-Office of the County Attorney



### FY 2012 and 2011 Comparison-Office of the County Attorney



Operating Budget-Office of the County Attorney	FY 2011	FY 2012
Salaries and Wages	1,034,448	1,140,118
Benefits	561,819	730,745
Operations	1,113,036	1,206,393
TOTAL	2,709,303	3,077,256

### **Operating Budget Discussion**

Essentially, there was no change in salaries. The 2011 salaries reflect a reduction due to furlough days.

Operation costs increased slightly due to an increase in Westlaw, copy costs and training.